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Elizabeth G. Eager

From: Elizabeth G. Eager
Sent: Monday, May 10, 2010 2:49 PM
To: 'richard.horvath@skadden.com'; 'Paul.Eckles@skadden.com'
Cc: Steven J. Rosenwasser
Subject: RE: TASER Litigation Traders

Richard,

Michael Schorr, Jamil Nazarali, Nick Abbate, Arben Celaj, Tom Liberty, B Snedeker, J Goldsmith and Chris Sula are associated with trading accounts of Knight within Merrill Lynch, Pierce, Fenner & Smith blue sheet records.

Additionally, we request Merrill Lynch identify the names and produce documents from individuals associated with the following names: Domiller, J Pagano, J Mazurkiewicz and T Marcant. These names come from Merrill Lynch's manual locate information. (ML_TASR0058514).

You are correct that Walter Roesche should be identified as "Walter Roesch."

Plaintiffs will address your remaining "objections" on our phone call on Wednesday.

From: Horvath, Jr., Richard S [mailto:Richard.Horvath@skadden.com]
Sent: Friday, April 30, 2010 8:50 PM
To: Elizabeth G. Eager; Eckles, Paul M
Cc: Steven J. Rosenwasser; Nicole G. Iannarone; Silver, Elliot A
Subject: RE: TASER Litigation Traders

Liz,

We write in response to your April 20, 2010 request that Merrill Lynch "produce responsive documents from the following individuals: Michael Schorr, Jami Nazarali, Nick Abbate, Arben Celaj, Tom Liberty, B. Snedeker, J. Goldsmith, Chris Sula and Walter Roesche" and your claim that, pursuant to the August 12 stipulation, "responsive information is due 30 calendar days from" April 20.

First, can you please provide more information on Michael Schorr, Jami Nazarali, Nick Abbate, Arben Celaj, Tom Liberty, B. Snedeker, and J. Goldsmith, including what documents you identified their names from? Based on our current investigation, we do not believe these individuals were employed by Merrill Lynch. Further, as to "Walter Roesche," please let us know if you mean "Walter Roesch." If so, we note that he was already included as a custodian.

Second, your request that documents be produced within 30 days purports to be pursuant to the August 12, 2009 stipulation regarding Defendants' responses to Plaintiffs' First Interrogatories to Defendants. However, the August 12, 2009 stipulation referenced in your email only addressed the identification of traders, not the production of documents.

Third, your email notes that your review is still ongoing and you may identify additional traders. However, it is burdensome for Merrill Lynch to respond to multiple requests for information regarding traders and to submit multiple searches for electronically stored information. Accordingly, we object to piecemeal requests for information and suggest that you finish your review for additional traders and identify all of those traders at once. At that time, we can meet and confer regarding the ESI collection and review protocol for trading personnel such that we can resolve any search issues at one time, submit one search request to our client to retrieve the agreed upon ESI, and minimize the costs and burdens associated with such a review.

Finally, we also ask that when you identify any additional traders, you include a citation to the Merrill Lynch document from which you have made that identification, attach that document or (in the case of a spreadsheet or mdb file) an excerpt from that document containing information about that individual, and identify the time periods of trading activity and the account through which their trading activity was effected. This will enable us to effectively meet and confer with you regarding that identification. In addition, please provide us with the keywords for which you request that we search each trader's email. To be clear, at most, we believe that the only relevant time period for such searches is where Merrill Lynch executed trades at the same time it had a significant and persistent net failure to deliver position in TASER.

Regards,

Rick Horvath

Richard S. Horvath, Jr.
Skadden, Arps, Slate, Meagher & Flom LLP Four Embarcadero Center

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From: Elizabeth G. Eager [mailto:eager@bmelaw.com]
Sent: Tuesday, April 20, 2010 8:31 AM
To: Eckles, Paul M (NYC); Horvath, Jr., Richard S (SFC)
Cc: Steven J. Rosenwasser; Nicole G. Iannarone
Subject: TASER Litigation Traders

Paul and Richard,

On August 12, 2009, the parties entered into a stipulation regarding the identification and production of documents from traders. Pursuant to that stipulation, Plaintiffs request that Merrill produce responsive documents from the following individuals: Michael Schorr, Jami

Nazarali, Nick Abbate, Arben Celaj, Tom Liberty, B. Snedeker, J. Goldsmith, Chris Sula and Walter Roesche.

Plaintiffs understand the individuals listed above may be the head trader of a trading desk and that there could be multiple assistants to the head trader that have significant relevant communications with clients and departments within each defendant's operations. Therefore, we request that for each of these trading desks identified, you identify the persons reasonably likely to have responsive information, you search those persons electronically-stored information and produce any responsive materials.

Pursuant to the stipulation, responsive information is due within 30 calendar days from today. Plaintiffs explicitly reserve the right to request information about additional traders (we are providing a partial list now in order to expedite the process, but we expect our continuing review is likely to identify other traders).

Thank you,

Liz Eager

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